

REMARKS/ARGUMENTS

Claims 1-40 are pending in the present application.

This Amendment is in response to the Final Office Action mailed September 9, 2003. In the Final Office Action, the Examiner rejected claims 1-8, 10-18, 20-28, 30-38, and 40 under 35 U.S.C. §102(e); and claims 9, 19, 29, and 39 under 35 U.S.C. §103(a). Applicants have amended claims 1, 11, 21, and 31. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102(and 103 from previous response)

1. In the Final Office Action, the Examiner rejected claims 1-8, 10-18, 20-28, 30-38, and 40 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,959,972 issued to Hamami ("Hamami"). Applicants respectfully traverse the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation. Applicants reiterate the arguments set forth in the previously filed Response to the Office Action.

Hamami discloses a method of port/link redundancy in an ATM switch. Two ATM switches are connected by two separate parallel communication links: a main link and a backup link (Hamami, col. 4, lines 29-33). A virtual circuit is established between the two stations (Hamami, col. 5, lines 39-41). The virtual circuit is established between one station and the backup link (Hamami, col. 5, lines 44-46).

Hamami does not disclose, either expressly or inherently, (1) a loop-back path connecting a first node and a second node where the first node has primary and secondary connections; and (2) the secondary connection not using network bandwidth in normal mode. Hamami merely disclosed a virtual circuit located within the switch matrix to connect one station to the part of a backup link (Hamami, col. 5, lines 44-46). This virtual circuit therefore merely acts to direct the traffic to the backup link upon failure (Hamami, col. 5, lines 49-51). Hamami does not disclose a loop-back path to connect a first node having primary and secondary connections to a second node. Hamami merely discloses a virtual circuit to connect the traffic from the main link to the backup link. A keep alive virtual circuit is established between the backup link ports (Hamami, col. 5, lines 58-60). All traffic directed to the main link port is duplicated to the backup link port (Hamami, col. 6, lines 1-2). Therefore, the backup link uses the network bandwidth.

For the similar reasons, dependent claims 2-10, 12-20, 22-30, 32-40, which depend on independent claims 1, 11, 21 and 31, respectively, are distinguishable from the cited prior art references. Therefore, Applicants believe that independent claims 1, 11, 21, 31 and their respective dependent claims are distinguishable over Hamami. Accordingly, Applicants respectfully request the rejection under 35 U.S.C. §102(e) be withdrawn.

Rejection Under 35 U.S.C. § 103

1. In the Final Office Action, the Examiner rejected claims 9, 19, 29, and 39 under 35 U.S.C. §103(a) as being unpatentable over Hamami in view of U.S. Patent No. 5,838,924 issued to Anderson et al. ("Anderson"). Applicants respectfully traverse the rejection and contend that the Examiner has not met a burden of establishing a prima facie case of obviousness. Applicants reiterate the arguments set forth in the previously filed Response to the Office Action.

Hamami discloses a method of port/link redundancy in an atm switch as discussed above.

Anderson discloses an asynchronous transfer mode (ATM) connection protection switching apparatus and method. A virtual path group (VPG) includes a working route, a protection route, and VPG bridge and selector functions at each end of the routes (Anderson, col. 1, lines 52-54). An ATM operations and maintenance (OAM) fault management cell is used to indicate defect type (Anderson, col. 5, lines 58-60).

Hamami and Anderson, taken alone or in any combination, does not disclose, suggest, or render obvious: (1) a loop-back path connecting a first node and a second node where the first node has primary and secondary connections, and (2) secondary connection not using network bandwidth in normal mode. There is no motivation to combine Hamami and Anderson because neither of them addresses the problem of using a loop-back path. There is no teaching or suggestion that an OAM monitor is used in a re-routing circuit having a loop-back path and a secondary connection not using network bandwidth in normal mode. Hamami, read as a whole, does not suggest the desirability of a loop-back path. Anderson merely disclosed an OAM fault management cell to indicate defect type (Anderson, col. 5, lines 58-60), not a monitor to detect a failure condition in a circuit having a loop-back path.

Therefore, Applicants believe that independent claims 1, 11, 21, 31 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §102(e), and 35 U.S.C. §103(a) be withdrawn.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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